

# **EXHIBIT GG**

TOWN OF CLARKSTOWN  
LOCAL LAW NO. - 2019

Be it enacted by the Town Board of the Town of Clarkstown as follows:

**Section 1. Title**

A Local Law Amending Various Sections of Chapter 290 (Zoning) of the Town Code of Clarkstown

**Section 2. Legislative Intent**

This Local Law is intended to amend and clarify Chapter 290 of the Town Code consistent with the following goals and objectives of the Comprehensive Plan:

1. Preserve the suburban and remaining semi-rural character of the Town.
2. Develop zoning and building regulations that reduce or restrict odors, sounds, commercial traffic, light pollution and other negative environmental impacts on residential areas.
3. Expand initiatives to safeguard neighborhoods from inappropriately scaled developments.

**Section 3. Statutory Authority**

This local law is enacted under the authority of Municipal Home Rule Law §§10 and 22.

**Section 4. Change to Chapter 290-7.4**

Add to §290-7.4(G)(4)(b)[3][a]:

A variance from this provision shall be deemed a use variance.

**Section 5. Change to Chapter 290-20**

Modify §290-20(F) to read as follows:

16. All new nonresidential uses are subject to continued enforcement of performance standards procedure (§290-13B)
17. In addition to the particular requirements for any use listed in Table 1,<sup>[2]</sup> the Board of Appeals, Planning Board, or Town Board, as specified in Table 1 for a particular use, where

reasonable and appropriate, may require fences and other safety devices, landscaping, screening, access roads and buffer areas.

[2] Editor's Note: Table 1, Residential Zoning Districts Land Use, is included as an attachment to this chapter.

18. No use listed in Table 1 shall be permitted for which there shall not be sufficient access suitably located to avert prospective traffic congestion, or hazard.

19. Buffer areas of 75 feet shall be required for special permit uses, except home occupation use. The Planning Board shall have the authority to reduce this buffer, but in no case shall the buffer be reduced to less than the required yard dimensions of the zoning district.

20. Parking spaces of any nonresidential use shall not be located within a required yard and shall be screened from adjoining properties by permanent landscaping which may include berms or other topographic features as required by the Planning Board.

21. All residences with an attached or included garage opening into a side yard shall have a minimum of 30 feet of side yard for access thereto.

22. Any use in existence by virtue of a special permit issued by a municipal board shall be required to obtain a new special permit before the issuance of any building permit or within five years of the effective date of this local law,<sup>[3]</sup> whichever is first, regardless of whether any special permit was granted for that use before the enactment of this local law. The special permit shall be periodically renewed every five years from the date of issuance or some other period of time as required by the applicable board

[3] Editor's Note: "This local law" refers to L.L. No. 5-2016, adopted 3-22-2016.

Modify §290-20(I) to read as follows:

Additional regulations in R-160, R-80, R-40, R-22, R-15, and R-10 Zoning Districts shall be as follows:

Modify §290-20(I)(7) to read as follows:

All uses other than single-family residences:

(a) Ingress and egress roads shall be from state or county major or secondary roads as classified on the Town Official Map. A variance from this provision shall be deemed a use variance.

(b) Minimum frontage shall be 100 feet of state or county major or secondary roads as classified on the Town Official Map.

## Section 6. Change to Chapter 290 Attachment 31 Table 12 General Bulk Regulations

The following change shall be made to Chapter 290 Attachment 31 Table 12 General Bulk Regulations:

Modify Group row "O" of R-10 Zone to read as follows:

Zone	Group	For Use Listed Below
R-10	O	All other uses for which standards are not otherwise specified (See Note No. 48)

Modify Note No. 48 to read as follows:

Note No. 48: These uses shall have:

- (a) Ingress and egress roads from state or county major roads as classified on the Town Official Map. A variance from this provision shall be deemed a use variance.
- (b) Minimum frontage of 100 feet of state or county major or secondary roads as classified on the Town Official Map.

## Section 7. Change to Chapter 290 Attachment 20 Table 1 Residential Zoning Districts Land Use

The following change shall be made to Chapter 290 Attachment 20 Table 1 Residential Zoning Districts Land Use:

Modify Table 1 to create a row immediately after All Uses, labelled Notes, on each page to read as follows:

District						
All Uses	R-160	R-80	R-49	R-22	R-15	R-10
Notes	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1	See Note 1

Create a Notes Section to Chapter 290 Attachment 20 Table 1 Residential Zoning Districts to read as follows:

Table 1  
Notes to Residential Zoning Districts

Note No. 1: All uses other than single-family residences:

- (a) Ingress and egress roads shall be from state or county major roads as classified on the Town Official Map. A variance from this provision shall be deemed a use variance.
- (b) All uses other than single-family residences shall have minimum frontage of 100 feet.

**Section 5. Effective Date:** This Local Law shall take effect upon filing with the Secretary of State.